

ZB# 05-59

**Anthony & Rose
Damiano**

12-1-38

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 10-24-05

05-59 ANTHONY & ROSE DANTANO (AREA)
39 HILLSIDE AVE. (12-1-38)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 12-1-38

In the Matter of the Application of

ANTHONY DAMIANO

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-59

WHEREAS, Angelina Coloni represented Anthony Damiano , the owner(s) of 39 Hillside Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 17 ft. Side Yard Setback for existing 8 ft. X 20 ft. breezeway attached to existing garage at 39 Hillside Ave in an R-4 Zone (12-1-38)

WHEREAS, a public hearing was held on October 24, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Angelina Coloni appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a one Family Dwelling located in a neighborhood of one Family Dwellings in an R-4 zone.
 - (b) The property consists of a single-family home which has been in existence since the 1950's. At some time in the past, a breezeway was constructed connecting the existing garage to the existing house.

- (c) Since the erection of the breezeway, there have been no complaints, either formal or informal.
- (d) In constructing the breezeway, the applicant did not remove any trees or substantial vegetation.
- (e) The breezeway does not create the ponding or collection of water or divert the flow of water drainage.
- (f) The breezeway is not on top of nor does it interfere with any easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

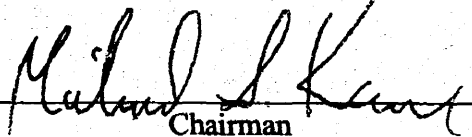
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 17 ft. Side Yard Setback for existing 8 ft. X 20 ft. breezeway attached to existing garage at 39 Hillside Ave in an R-4 Zone (12-1-38) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: October 24, 2005


Chairman



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

March 27, 2006

Anthony & Rose Damiano OR Present Owners of
39 Hillside Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-59

Dear Sir or Madam:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: **Michael Babcock, Building Inspector**

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: August 22, 2005

APPLICANT: Mr. Anthony Damiano
39 Hillside Avenue
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: August 11, 2005

FOR : EXISTING ENCLOSED BREEZEWAY

LOCATED AT: 39 Hillside Avenue

ZONE: R-4 **Sec/Blk/ Lot:** 12-1-38

COPY

DESCRIPTION OF EXISTING SITE: ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING 8x20 BREEZEWAY ATTACHED TO EXISTING GARAGE DOES NOT MEET MINIMUM SIDE YARD SET-BACKS.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: BULK TABLES: F-6

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 20'

~~5'~~
3'

~~15'~~
17'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED
AUG 11 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: PA2005-894

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises Argeline Colon

X Address 367 Wexford Hwy Phone # 568-6112

X Mailing Address (Same) Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 12 Block 1 Lot 38

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy entrance way b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories 8x200

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00

PAID
CH #112
ZONING BOARD

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshen
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

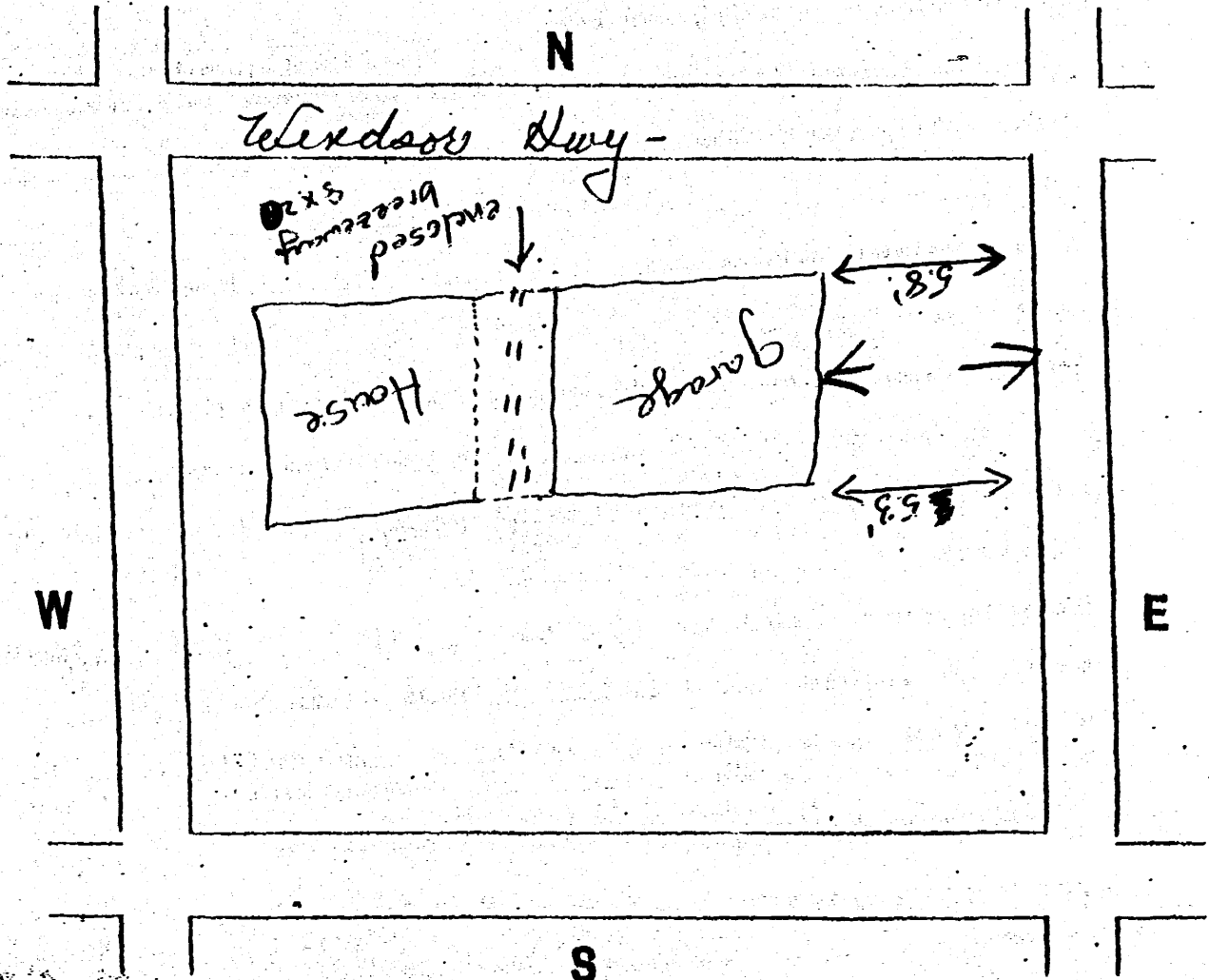
x Angelina Colosi
(Signature of Applicant)

367 Windsor Hwy
(Address of Applicant)

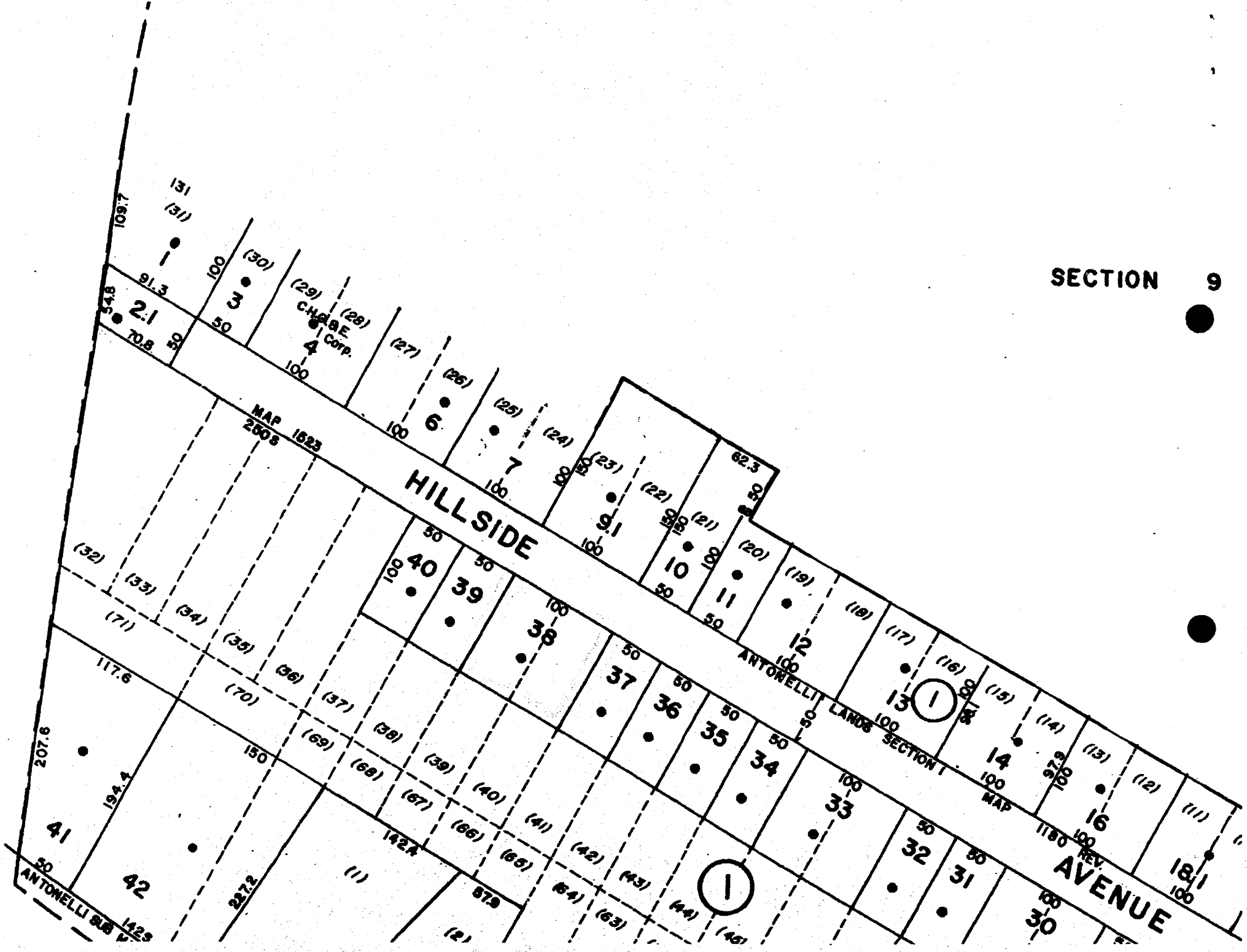
x Angelina Colosi
(Owner's Signature)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 9



CUOMO ENGINEERING
1016 WORLD TRADE WAY
STEWART INTERNATIONAL AIRPORT
NEW WINDSOR, NEW YORK. 12553
FAX NO. 845-567-9145
PHONE NO. 845-567-1177

AUG 18 2005

DATE: August 15, 2005

TO: Town of New Windsor Building Department
555 Union Avenue New Windsor, N.Y. 12553

ATTN: Frank Luis , Building Inspector

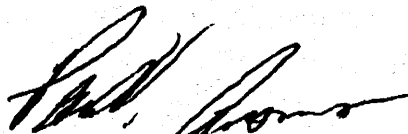
JOB NO: 05264

ENGINEERS REPORT

RE: Angelina Coloni
39 Hillside Avenue
New Windsor, N.Y. 12553

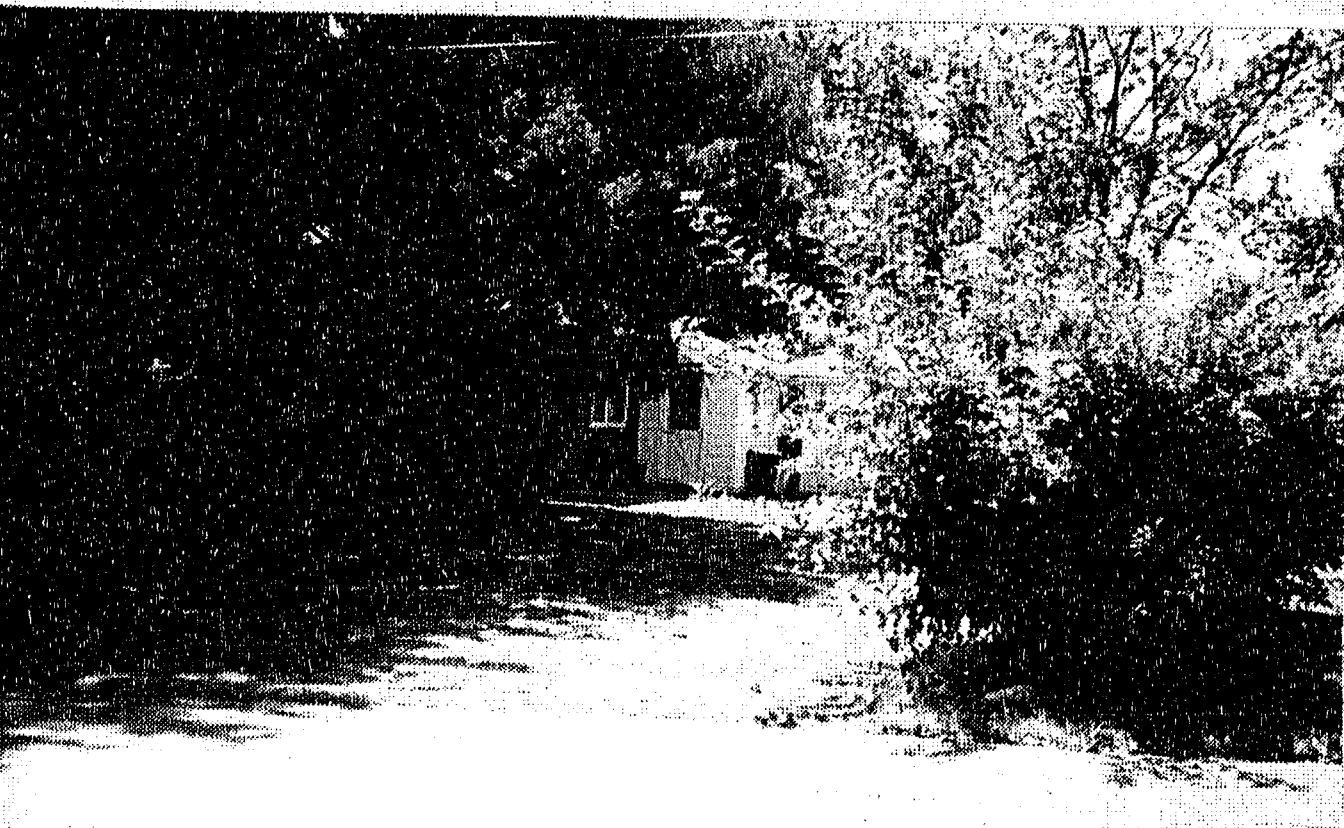
On August 15, 2005 I inspected the premises of 39 Hillside avenue, concentrating on a breezeway, between the garage and the house.

This breezeway measured overall 6'x20', with a 8' ceiling height. I found the breezeway to be constructed according to the Residential Building Code of New York State, and I therefore recommend that a C.O. be granted to the breezeway.


PAUL V. CUOMO P.E.
STRUCTURAL ENGINEER.

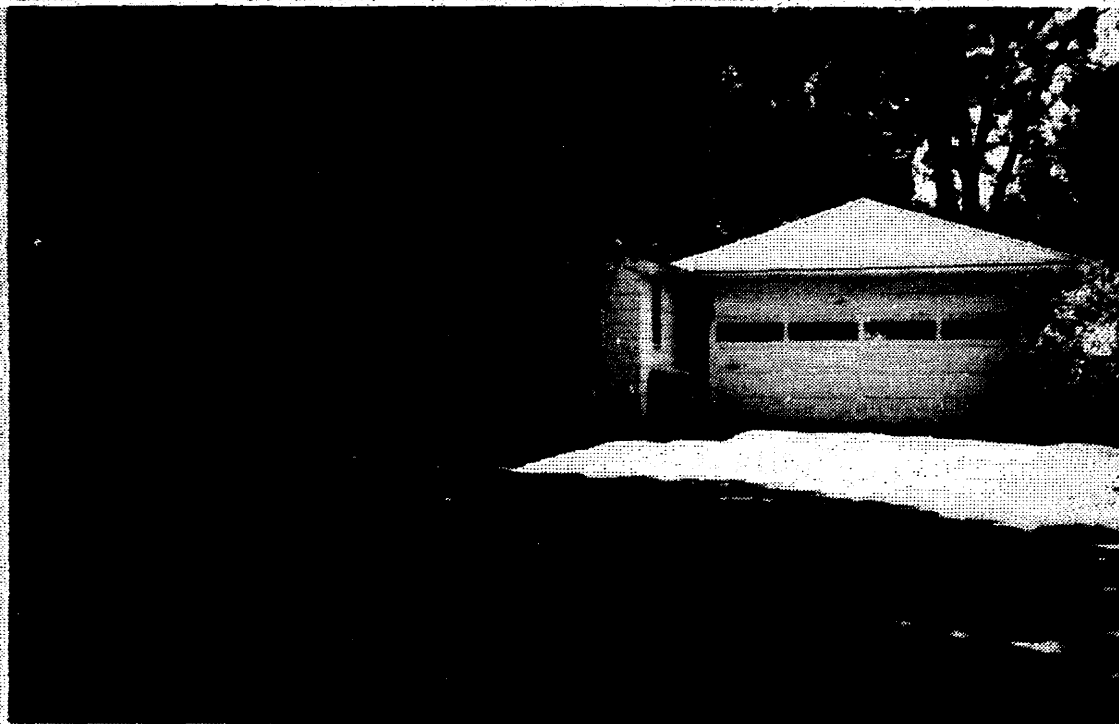


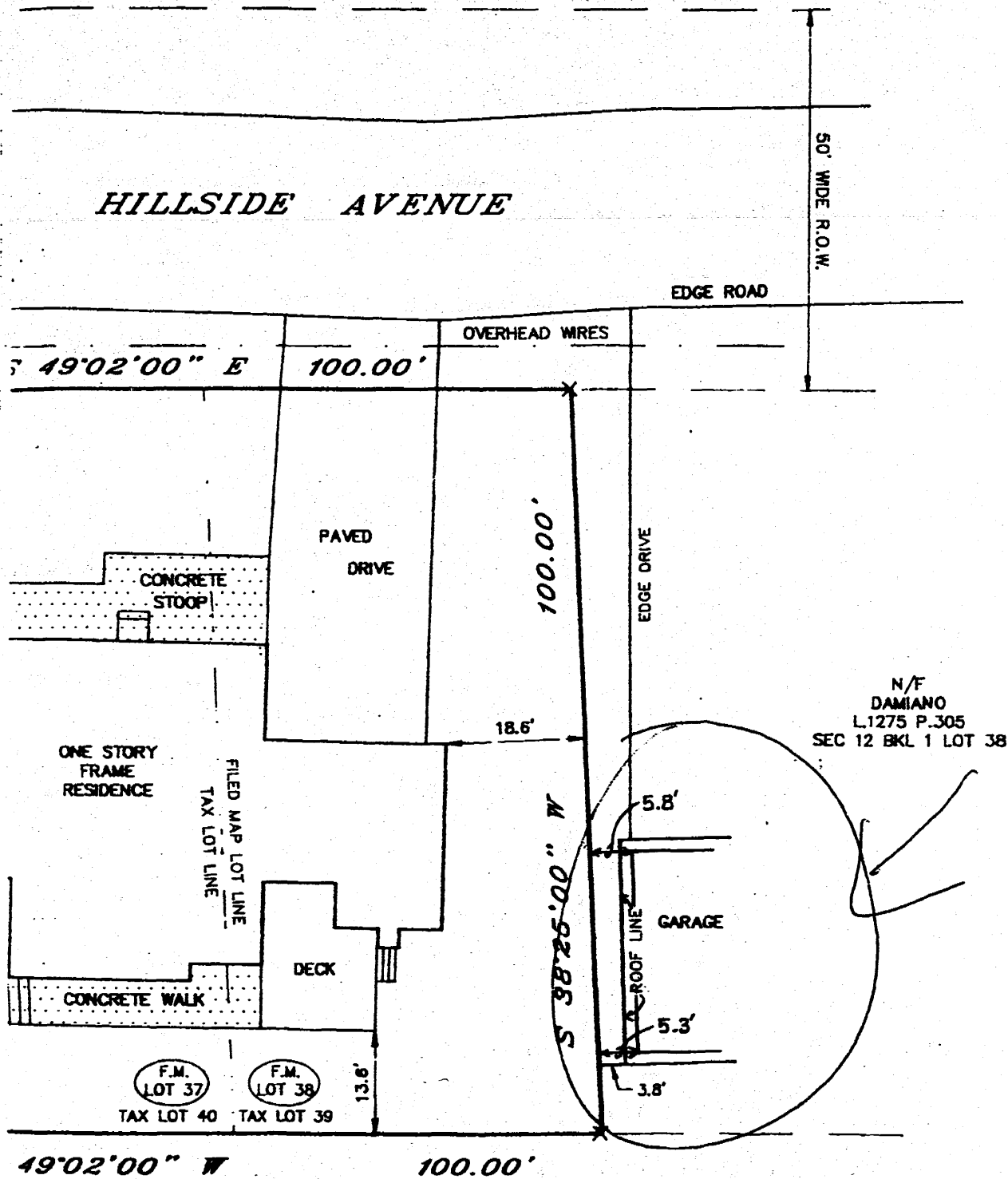












1" = 20'

ANGELINA_COLONI

MR. KANE: Request for 17 ft. side yard setback for existing 8 ft. x 20 ft. breezeway attached to existing garage at 39 Hillside Avenue.

Mrs. Angelina Coloni appeared before the board for this proposal.

MRS. COLONI: I'm asking for a variance on my parents' home of which they live there since the 1950's and the situation that I'm finding now and I do have a buyer for it is that I have to ask for a variance for the breezeway and it's not in any way unattractive or anything like that and so I'm asking if you might consider the grandfather clause or whatever you have to say about it.

MR. KANE: Number one, any complaints about the breezeway formally or informally?

MRS. COLONI: No.

MR. KANE: Sounds crazy but I have to ask, cut down any trees or substantial vegetation in the building of the breezeway?

MRS. COLONI: No.

MR. KANE: About how long has it been there?

MRS. COLONI: The house was built like back in the '50s and I have a deed and it's really funny because what they're told not to do is put on animals and hogs and cows and so on, that's how long it's been.

MR. KANE: Was the breezeway part of the home back then?

MRS. COLONI: It was on a little bit later.

MR. KANE: In the '50s?

MRS. COLONI: Yes.

MR. KANE: So according to your testimony, you believe that the breezeway itself actually pre-exists zoning?

MRS. COLONI: I guess so, yes.

MR. KANE: Any easements that you know of?

MRS. COLONI: No.

MR. KANE: And you understand that if the easement passes this board that you will be subject to any regulations from the building department, that doesn't supersede that, okay?

MRS. COLONI: Yes.

MR. KANE: I will at this point ask if there's any public here for this particular hearing? Seeing as there's not, we'll close the public portion of this meeting, I will ask Myra how many mailings we had.

MS. MASON: On October 5, I mailed out 29 envelopes and had no response.

MR. BABCOCK: Just to clarify just a little bit there's a house and there's a garage before the breezeway was built the garage would be an accessory use so there was no setback requirement as it is today. Once they enclosed the breezeway from the house to the garage and attached it now the setback became, that's what actually created the problem only because the house and the garage now are attached. When they were originally built, they weren't. We have records, I don't have them with me and I don't know, I can get them for this board if they'd like but we have an indication that it

October 24, 2005

46

was built after '66, that's why we're telling her she needs to straighten it out.

MR. KANE: Does the board have any further questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant Angelina Coloni her request for a 70 foot side yard setback for existing 8 x 20 breezeway attached to existing garage as 39 Hillside Avenue.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 11, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 152.81 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-59

NAME & ADDRESS:

**Ms. Angelina Coloni
367 Windsor Highway (#501)
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.01-12-2006



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-59 TYPE: AREA TELEPHONE: 568-6112

APPLICANT:

Anthony & Rose Damiano
39 Hillside Avenue
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>116</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 117

~~~~~

| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$5.50 / PAGE</u> | <u>FEE</u>      |

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>2</u> | PAGES | \$ <u>11.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>3</u> | PAGES | \$ <u>16.50</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 10/13/05      \$ 49.69

|        |                 |                 |
|--------|-----------------|-----------------|
| TOTAL: | \$ <u>77.19</u> | \$ <u>70.00</u> |
|--------|-----------------|-----------------|

~~~~~

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 147.19

AMOUNT DUE: \$ _____

REFUND DUE: \$ 152.81

Cc:

L.R. 01-11-06



October 24, 2005

P.B.#

PROXY

CARRIED: Y_____N_____

CARRIED: Y _____ N _____

CARRIED: Y ✓ N .

This is a scan of a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

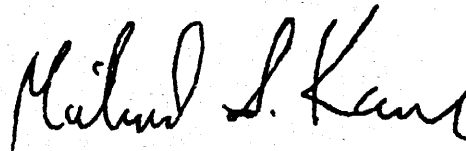
Appeal No. 05-59

Request of ANGELINA COLONI (for Anthony & Rose Damiano)

for a VARIANCE of the Zoning Local Law to Permit:

Request for 17 ft. Side Yard Setback for existing 8 ft. X 20 ft. breezeway attached to existing garage at 39 Hillside Avenue in an R-4 Zone (12-1-38)

PUBLIC HEARING will take place on OCTOBER 24, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in black ink, reading "Michael S. Kane". The signature is written in a cursive style with a horizontal line underneath it.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

J. Todd Wiley, IAO
Assessor's Office

September 1, 2005

Angelina Coloni
367 Windsor Highway(#501)
New Windsor, NY 12553

RE: 12-1-38

ZBA#:05-59(29)

Dear: Mrs. Coloni

According to our records, the attached list of property owners are within five hundred (500) feet
Of the above referred property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerks Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/LK
Attachments

CC: Myra Mason, Zoning Board

12-1-1, 12-1-2.1 & 12-1-3
Andrew & Catherine Moglia
Attn: Catherine Lorgan
56 Hillside Ave.
New Windsor, NY 12553

12-1-4, 12-1-48 & 9-1-6
Central Hudson Gas & Elec. Corp.
284 South Ave.
Poughkeepsie, NY 12602

12-1-6
Chris Doogan
48 Hillside Ave.
New Windsor, NY 12553

12-1-7
Aldo Montoya
44 Hillside Ave.
New Windsor, NY 12553

12-1-9.1
Suzanne Brown Lewis
40 Hillside Ave.
New Windsor, NY 12553

12-1-10 & 12-1-11
Samuel & Kathryn Sorbello
34 Hillside Ave.
New Windsor, NY 12553

12-1-12
Patsy & Josephine Di-Paolo
32 Hillside Ave.
New Windsor, NY 12553

12-1-13 & 9-1-8
Archie Antonelli & Gloria Jean
28 Hillside Ave.
New Windsor, NY 12553

12-1-14
Kevin & Ellen Mann
24 Hillside Ave.
New Windsor, NY 12553

12-1-16
Philomena Mahood
Guariglia
20 Hillside Ave.
New Windsor, NY 12553

12-1-18.1
Eric Acquaro
16 Hillside Ave.
New Windsor, NY 12553

12-1-29
Martine Dacilas Laguerre
15 Hillside Ave.
New Windsor, NY 12553

12-1-30
Erik Cutroneo
19 Hillside Ave.
New Windsor, NY 12553

12-1-31 & 12-1-32
Nicholas Cracolici
23 Hillside Ave.
New Windsor, NY 12553

12-1-33
Cory & Wilma Anzalone
27 Hillside Ave.
New Windsor, NY 12553

12-1-34 & 12-1-35
Bernard Mc Cullom
31 Hillside Ave.
New Windsor, NY 12553

12-1-36 & 12-1-37
Louise & John Baker III
35 Hillside Ave.
New Windsor, NY 12553

12-1-39
Ellen & John Antonelli
43 Hillside Ave.
New Windsor, NY 12553

12-1-41
Mark & Harry Walters
364 Union Ave.
New Windsor, NY 12553

12-1-42
Frank & Barbara Antonelli
360 Union Ave.
New Windsor, NY 12553

12-1-44.1
Richard & Ruth Cecchetelli
356 Union Ave.
New Windsor, NY 12553

12-1-46.1
Jonle Enterprises, Inc.
354 Union Ave.
New Windsor, NY 12553

12-1-49
Frank Sr. & John Antonelli
4 Cedar Court
Palm coast, FL 32137

9-1-7.2
Angelina Bloomer & Victoria Palkovic
8 Boulder Rd.
Newburgh, NY 12550

9-1-12.2
Angelina Talmadge
Attn: Bernie Calandrea
13 Veronica Ave.
New Windsor, NY 12553

9-1-9
Josephine Di Palo
32 Hillside Ave.
New Windsor, NY 12553

4-1-56
Ann Lease
366 Union Ave.
New Windsor, NY 12553

4-1-57
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

12-1-40
John Antonelli
43 Hillside Ave.
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

October 4, 2005

Anthony & Rose Damiano
39 Hillside Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-59

Dear Ms. Coloni or Ms Damiano:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

39 Hillside Avenue
New Windsor, NY

is scheduled for the OCTOBER 24, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-59
 Request of ANGELENA COLONI
 (for Anthony & Rose Damiano)

for a VARIANCE of the Zoning Local Law to Permit:

Request for 17 ft. Side Yard Setback for existing 8 ft. X 20 ft. breezeway attached to existing garage at 39 Hillside Avenue in an R-4 Zone (12-1-38)

PUBLIC HEARING will take place on October 24, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1806871 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODDRL Date: 10/11/2005 Assigned Sales: TownofNewWindsor PLANNINGBOARD PUBLIC AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

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Schedule: Start Date - 10/13/2005 End Date - 10/13/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPE

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TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

10/13/05

Signature of Representative:

Patricia Foddrill

Sworn in before me this

17

Day of

Oct.

2005

Gretchen Pina Breedy

Notary Public, Orange County

GRETCHEN PINA BREEDY
NOTARY PUBLIC FOR THE STATE
OF NEW YORK, ORANGE COUNTY
OATH / SIGNATURE IS ON FILE
COMMISSION EXPIRES 11/29/2005

ANGELINA COLONI (FOR ANTHONY & ROSE DAMIANO)

MR. REIS: Request for 17 ft. side yard setback for existing 8 ft. x 20 ft. breezeway attached to existing garage at 39 Hillside Avenue in an R-4 zone.

Ms. Margaret Coloni and Ms. Angelina Coloni appeared before the board for this proposal.

MS. M. COLONI: I'm Margaret Coloni here representing my mother, Angelina Coloni. My grandparents built their home approximately in the '50s. Approximately 20 years ago, they connected the garage to the house and made a closed breezeway. I was informed by the building department that the side property line from the garage to the side is approximately 5.8 feet which doesn't meet the code, we are requesting a variance for this.

MR. BABCOCK: The garage is non-conforming, that's where the five feet is, it's been there since 1955, by attaching the house to the garage, the setback becomes a requirement becomes 20 feet so therefore that's why they're here tonight, the garage was an accessory structure now that it's attached to the house it's a principal structure.

MR. REIS: Thanks, Mike.

MS. LOCEY: The breezeway is now enclosed?

MS. M. COLONI: Yes.

MR. REIS: What brings you to the board?

MS. M. COLONI: We're in the process of selling the home and waiting for a closing date we need to come get this.

MR. REIS: You have not had any formal or informal

complaints about this structure?

MS. M. COLONI: No.

MS. A. COLONI: It's just a walkway. When my dad passed away, it was basically done for her convenience and feeling safe when she got out of the car and walked into the kitchen. So there's no furniture, just a step and you walk in and you go in, no one has ever complained that we know of.

MR. REIS: Thank you. As far as you know, it's not over any easements or right-of-ways or utility lines?

MS. M. COLONI: No.

MR. REIS: Folks have any questions? It's been there a long time, obviously, has it created any water hazards or runoffs?

MS. M. COLONI: No.

MS. GANN: Accept a motion?

MR. REIS: Yes.

MS. GANN: I'll make a motion we set up Angelina Coloni for a request for 17 foot side yard setback for existing 8 x 20 foot breezeway attached to the existing garage at 39 Hillside Avenue.

MR. BROWN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE



RESULTS OF Z.B.A. MEETING OF: September, 2005

PROJECT: Anthony & Rose Damiano ZBA # _____
P.B.# _____

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A___ N___

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y_____N_____

NEGATIVE DEC: M)_____S)_____ VOTE: A___N___

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y_____N_____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) G S) β VOTE: A 4 N 0

GANN	A
LOCEY	A
BROWN	A
MCDONALD	
REIS	A
REIS	

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

GANN
LOCEY
BROWN
MC DONALD
REIS
KANE

CARRIED: Y_____N_____.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#832-2005

08/31/2005

Coloni, Angelina *ZBF 05-59*

Received \$ 50.00 for Zoning Board Fees, on 08/31/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: August 30, 2005

FOR: **ESCROW 05-59**

FROM:

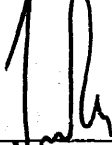
Ms. Angelina Coloni (for Anthony & Rose Damiano)
367 Windsor Highway (#501)
New Windsor, NY 12553

CHECK NUMBER: **117**

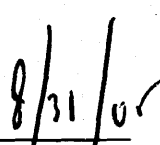
TELEPHONE: **568-6112**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

August 31, 2005

**Ms. Angelina Coloni (for Anthony & Rose Damiano)
367 Windsor Highway (#501)
New Windsor, NY 12553**

SUBJECT: REQUEST FOR VARIANCE #05-59

Dear Ms.Coloni:

This letter is to inform you that you have been placed on the September 12, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**39 Hillside Avenue
New Windsor, NY**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

**Myra Mason, Secretary
Zoning Board of Appeals**

MLM:mlm

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 08-31-05 PROJECT NUMBER: ZBA# 05-59 P.B. # _____

APPLICANT NAME: ANGELINA COLONI

PERSON TO NOTIFY TO PICK UP LIST:

ANGELINA COLONI
367 WINDSOR HIGHWAY (#501)
NEW WINDSOR, NY 12553

TELEPHONE: 568-6112

TAX MAP NUMBER:	SEC. <u>12</u>	B LOCK <u>1</u>	LOT <u>38</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: **39 HILLSIDE AVENUE**
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD **XXX**

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT **XXX**

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 118

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

8/24/05
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 568-6112
Fax Number: ()
ANTHONY + ROSE SAMIANO
(Name)
39 HILLSIDE AVE NEW WINDSOR N.Y.
(Address)

II. Applicant:

Phone Number: (845) 568-6112
Fax Number: ()
ANGELINA COLONI
(Name)
367 WINDSOR HIGHWAY #502
(Address) NEW WINDSOR N.Y. 12553

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()
(Name)
(Address)

V. Property Information:

Zone: R4 Property Address in Question: 39 HILLSIDE AVE, NEW WINDSOR
Lot Size: _____ Tax Map Number: Section 12 Block 1 Lot 38
a. What other zones lie within 500 feet? ?
b. Is pending sale or lease subject to ZBA approval of this Application? YES (SALE)
c. When was property purchased by present owner? ESTATE
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____
f. Is there any outside storage at the property now or is any proposed? _____

******PLEASE NOTE:******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. ~~USE VARIANCE~~:

Use Variance requested from New Windsor Zoning Local Law,

Section 12, Table of 1 Regs., Col. 38.

Describe proposal:

GRANT A "USE VARIANCE" FOR
SAID BREEZY WAY.

VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

THIS BREEZYWAY WAS CONSTRUCTED MANY YEARS
AGO BY MY PARENTS (OWNERS)

IT WAS BUILT TO PROTECT OCCUPANTS FROM OUTSIDE
ELEMENTS.

THE COSTS TO REMOVE SAID STRUCTURE AND
REPAIR ROOF LINES WOULD BE A HARSHSHIP
AND DE VALUE HOME.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	20'	3'	17'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

AS STATED EARLIER BLEECWAY
WAS CONSTRUCTED MANY YEARS AGO TO PROTECT
MY PARENTS FROM OUTSIDE ELEMENTS WHILE ENTERING
AND EXITING HOME/GARAGE
TO MY KNOWLEDGE THE COMMUNITY
HAS NEVER COMPLAINED ABOUT BLEECWAY.
I FEEL THAT THIS VARIANCE WOULD
HAVE "NO ADVERSE EFFECT" ON OUR COMMUNITY.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

26th day of August 2005.

Deborah Green
Signature and Stamp of Notary

Angelina Colosi
Owner's Signature (Notarized)
Angelina Colosi
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4884065
Commission Expires July 15, 2007

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)

9/12



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.